

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

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ASSOCIATION OF HOLOCAUST VICTIMS FOR RESTITUTION :	
OF ARTWORK and MASTERPIECES, a/k/a “AHVRAM”;	: 04 – CIV - 8457
MRS. ERNA DEUTSCH; DR. JORAM DEUTSCH;	: (LTS)
ALICE BURGER – FISCHER; and EDWARD DAVIS FAGAN;	:
Plaintiffs,	:
vs.	:
REPUBLIC OF HUNGARY;	:
<u>Individually and/or As Responsible For:</u>	:
HUNGARIAN NATIONAL GALLERY,	:
MUSEUM DE BEAUX ARTS,	:
MINISTRY OF CULTURE, and other	:
HUNGARIAN STATE MUSEUMS and/or	:
STATE & ART RESTORATION FACILITIES	:
(the name being fictitious and used until	:
the actual names is/are discovered); and	:
REPUBLIC OF GERMANY;	:
<u>Individually and/or As Responsible For:</u>	:
BUNDESMINISTERIUM DER FINANZEN; BUNDESREPUBLIK:	:
DEUTSCHLAND FINANZAGENTUR GmbH; HON. ROLF	:
DAHLGRÜN by ESTATE OF HON. ROLF DAHLGRÜN;	:
DR. FÉAUX DE LA CROIX by ESTATE OF DR. FÉAUX	:
DE LA CROIX; WILHELM HÖTTL by ESTATE OF	:
WILHELM HÖTTL; MR. FRITZ KOPPE by ESTATE OF	:
FRITZ KOPPE; DR. DETLEV HEINRICH by	:
ESTATE OF DR. DELEV HEINRICH; OLAF FREIHERR :	:
von KLINGSPOR by ESTATE OF	:
OLAF FREIHERR von KLINGSPOR; GEORGE de	:
MASIREVIC by ESTATE OF GEORGE de MASIREVIC;	:
DR. ERICH FÜHRER by ESTATE OF DR. ERICH FÜHRER;	:
“GERMAN GOVERNMENT MUSEUMS, GALLERIES,	:
STORAGE & RESTORATION FACILITIES”	:
(fictitious names used until actual names discovered),	:
“JOHN DOE PRIVATE MUSEUMS, GALLERIES,	:
STORAGE & RESTORATION FACILITIES”,	:
(fictitious names used until actual names discovered),	:
PHILIPS COLLECTION GALLERY / MUSUEM	:
Defendants.	:
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DECLARATION OF EDWARD D. FAGAN IN SUPPORT OF NOTICE OF MOTION
TO EXTEND THE 120 DAYS WITHIN WHICH TO COMPLETE RULE 4 (HAGUE
CONVENTION) SERVICE OF PROCESS ON DEFENDANT GOVERNMENTS,
AGENCIES AND THEIR REPRESENTATIVES
(with incorporated Brief Memorandum of Supporting Authorities)

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Edward D. Fagan, hereby declares and says:

1. I am one of the plaintiffs in the above referenced matter and I make this declaration in support of the Motion to Formally Extend the Time within which to complete service of process in accordance with the provisions of the Hague Convention.
2. It is expressly understood that the 120 Day limitation for service of process as prescribed by Fed. R. Civ. P. Rule 4 – does NOT apply to service that must be completed by service in accordance with The Hague Convention, which is often quite lengthy, especially in a case such as this where the targeted defendants may not want to cooperate..
3. I am submitting this Declaration as a follow up to the April 2005 Declaration I filed – a copy of which is attached hereto and incorporated herein as Exhibit 1.
4. I should point out that one of the plaintiffs – Dr. Joram Deutsch – has been unable to participate and/or assist me since my April 2005 declaration because of unanticipated and very serious problems that have plagued his family and business.
5. Despite these problems, since the filing of the Amended Complaint and the issuance of the Amended Summonses, I have traveled throughout Europe to gather additional evidence, secure fact and expert witnesses and to put the defendants on Notice of the ongoing prosecution of these claims.

6. With regard to the issue of Hague Convention Service, plaintiffs have done the following:
 - a. Located and worked with a Hungarian translator in Budapest – which was not an easy task given the nature and political sensitivity in this case – but whom the plaintiffs’ believed should be used so as to minimize any objections to the translation that may be interposed by the Hungarian defendants;
 - b. The Hungarian translation was received and paid for in the last few weeks – at a substantial cost to plaintiff;
 - c. A copy of the Hungarian translation was received and is attached as Exhibit 2;
 - d. Located and worked with a German translator whose translations have been regularly accepted by this Court., and whose translations have also been accepted by the German defendants, so as to minimize any objections to the translation that may be interposed by the German defendants;
 - e. The German translator was not able to complete the translation until just recently but it has been received at a substantial cost to plaintiff; and
 - f. A copy of the German translation was received and is attached as Exhibit 3.
7. I am submitting this Motion so that it is filed before the expiration of the 120 day period – even though this period is NOT applicable.
8. In addition to this Declaration, plaintiff is submitting and hand delivering to Chambers under separate cover, a copy of the Formal Order – Issuing the Letters Rogatory requesting International judicial Assistance, and which commences the formal Hague convention process.

9. I will be submitting an additional declaration in support of the other relief for which the plaintiffs require judicial assistance and requesting that the Court schedule a Status Conference at its earliest convenience.

Dated: July 5, 2005
NY, NY

/s/ Edward D. Fagan
Edward D. Fagan
(original signature - filed separately)